IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

Bail Appl..No. 1849 of 2007()

CRIME NO.52/07 OF MELUKAVU POLICE STATION

: PETITIONER/ACCUSED

T.S.SHAIBE, S/O.SANKARAN,
THOPPIL HOUSE, KADANADU P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
MELUKAVU POLICE STATION - THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1849 OF 2007 A

Dated this the 27th day of March, 2007

O R D E R

Petitioner, who is the accused in Crime No.52/07 of Melukavu Police Station for offences punishable under sections 55(a) and 55(i) of the Abkari Act for allegedly having been found in possession of one litre black coloured contraband liquor hidden inside the Chinnu's restaurant allegedly belonging to the petitioner on 17.3.2007, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that what was seized is IMFL purchased from the Beverages Corporation and that it was not intended for sale. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, bearing in mind the decisions of this court reported in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22] and ***Sabu Vs. State of Kerala*** [2003 (2) KLT 173].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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